



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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J.L., on behalf of J.P., et al.,

Plaintiffs,

-against-

NEW YORK CITY DEPARTMENT OF
EDUCATION, et al.,

Defendants.

**17-CV-7150 (PAC) (KHP)
ORDER**

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KATHARINE H. PARKER, United States Magistrate Judge.

On April 28, 2023, Plaintiffs filed a Notice of Motion stating it was moving for an order of default judgment against Defendants for failure to file an answer, and for summary judgment on certain claims. (ECF No. 240.) The Notice of Motion references an “accompanying Memorandum of Law,” but no such Memorandum was filed. On May 5, 2023, the Honorable Paul A. Crotty referred this motion to me for a Report and Recommendation. (ECF No. 244.)

At the same time that Plaintiffs filed their Notice of Motion, they also filed a Motion to Seal their Memorandum of Law in support of the Motion for Default Judgment and Summary Judgment along with supporting declarations and exhibits. (ECF No. 239.) On May 1, 2023, I issued an order informing Plaintiff that it had failed to file the underlying documents that were the subject of its Motion to Seal and directing Plaintiff to file those documents under seal in the first instance so that the Court can properly evaluate the Motion to Seal. I also advised Plaintiff to meet and confer with Defendants to ensure that any proposed redactions were narrowly tailored. (ECF No. 243.) I granted Plaintiff until

Monday, May 15, 2023 to file a more narrowly tailored Motion to Seal in the event the meet and confer process led to an agreement to do so.

To date, Plaintiffs have not filed a Memorandum of Law in support of their Motion for Default Judgment and Motion for Summary Judgment, nor have they filed any documents in support of the Motions, either in a publicly viewable redacted form or in an unredacted form under seal. Accordingly, by **Tuesday, May 9, 2023**, Plaintiff shall file unredacted versions of its Memorandum of Law and accompanying declarations and exhibits under seal (which shall be provisional). By **Monday, May 15, 2023**, Plaintiff shall publicly file a redacted version of these documents in accordance with their Motion to Seal. On **Monday, May 15, 2023**, Plaintiff shall also file a revised letter motion to seal that explains for each proposed redaction why the redaction is necessary. After that date, the Court will determine whether the submissions filed under seal may remain under seal.

The deadline for Defendants' cross-motion and opposition is extended to **July 7, 2023**. The deadline for Plaintiffs' opposition and reply is extended to **July 28, 2023**. The deadline for Defendants' reply is extended to **August 18, 2023**.

The Court also notes that after Plaintiffs filed the Notice of Motion, Defendants filed an Answer to the Complaint. In the event Plaintiff seeks to withdraw its Motion for Default Judgment and submit a brief that only concerns the Motion for Summary Judgment, Plaintiff shall file a letter no later than **Tuesday, May 9, 2023** advising the Court of this decision and, if needed, proposing a short extension of the above deadlines to allow it time to make the necessary revisions.

The parties are reminded of their option pursuant to 28 U.S.C. § 636(c) to consent to decision of the action, or a specific motion, by the undersigned Magistrate Judge. If all parties consent to decision of the Motions for Default/Summary Judgment by the undersigned, they shall complete the *Consent to Proceed Before a Magistrate Judge on a Specific Motion* Form available at <https://www.nysd.uscourts.gov/sites/default/files/2018-06/AO-4.pdf> and return the form to the Clerk of the Court. If the parties consent to the undersigned's jurisdiction over the action in its entirety, they shall complete the form available at <https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf> and return it to the Clerk of the Court. This Order is not meant to interfere in any way with the parties' absolute right to decision by a U.S. District Judge, but it is merely an attempt at preserving scarce judicial resources and reminding the parties of their option pursuant to 28 U.S.C. § 636(c). Withholding consent will not result in any adverse consequences, however consenting to a Magistrate Judge's jurisdiction may result in a faster resolution of the motions. If the parties withhold their consent, the undersigned will remain referred to issue a Report and Recommendation on the Motion for Default/Summary Judgment, for General Pretrial management, and for settlement.

SO ORDERED.

DATED: New York, New York
May 5, 2023



KATHARINE H. PARKER
United States Magistrate Judge